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THE BEARDS OF OUR FATHERS.

ONE of the conventional semi-slang phrases of the day, not long since stereotyped upon our ductile language by the powerful agency of the diurnal press, is contained in the words, 'a great fact.' If we recollect rightly, it was first used by the *Times*, a few years ago, when that colossal paper condescended to recognise the existence, and rapidly increasing influence, of an important political movement. Destined to cruise in the pleasant waters of polite literature, this happy Journal ever avoids the boisterous billows of political partisanship; yet even in these pages another 'great fact' may be noticed; and though it has not organised a powerful league, raised large sums of money, published reams of tracts, nor spouted from a thousand platforms, still its existence—whether for an age or for all time, for weal or wo, for encomium or ridicule—cannot possibly be denied. So obvious, indeed, is this 'great fact,' so portentous are its accompaniments, that even he who runs may observe it. Without opening a book, without unfolding a newspaper, without a word being spoken, we may distinctly recognise its unmistakable expression on the faces of our fellow-men, be they where they may. In court or camp, church or council-chamber, market or mansion, parliament or pot-house, street or station, stage-coach or steam-boat—everywhere, in short, we are daily bearded by this novel, physiognomical sign of the times. Still, it is perfectly unobtrusive, the very remarkable circumstance being strictly true, that however gentish and impudent its followers may previously have been, their bitterest enemies cannot now term them barefaced. Need we say more! The important feature, the head question, that, countenanced by so many, agitates the face of society at the present day is our 'great fact'—the beard-movement.

Now, we are not going, neither do we consider it our province, to enter into the disputed case of beard versus razor—whether a man should, in Shakespeare's words, be 'bearded like the pard,' or

Fresh as a bridegroom, and his chin, new reaped,
Shew like a stubble-land at harvest-home.

No, our principal aim is to give some account of the beards of our fathers, for the benefit of the would-be beard-wearers of the rising generation; to endeavour to impress upon their minds a strong sense of that self-respect towards themselves, and courtesy to others, which the high and honourable antiquity of the beard, and the grave, dignified, and learned associations connected with it, so forcibly suggest. Nay, more; we would even point out the different modes of wearing

that natural ornament of the face which prevailed among our ancestors, for the information, not only of the beard-wearers, but also of the barbers—we beg pardon, gentlemen—hair-dressers, we should say, of the present time. What, indeed, do the latter know about trimming a beard, except to cut it smooth off with a razor! All the beards we have met with, since the movement has commenced, are of the same stamp and pattern, without the slightest approach to originality or expression. Certes, we might as well ask a bombardier of the horse-artillery to handle a catapult, or a drill-sergeant of the Coldstream Guards to 'clap i' the clout at twelve score and carry a fore-hand shaft a fourteen and a half,' like that famous archer old Double, whom John of Gaunt loved so well, and of whom Justice Shallow prated so garrulously—as ask a tonsor of the present day to trim a beard in the Roman T, pique devant, spade, or any other of the various styles our ancestors so tastefully delighted in.

Morgan, the quaint, old heraldic writer, in his *Sphere of Gentry*, and in all seriousness too, informs us that Adam was the first gentleman who introduced fur, or, as it is technically termed, *hair*, into heraldry, he having adopted a surcoat made of the hairy skins of beasts, after his marriage with Eve, whose arms he bore as an *escutcheon of pretence*, she being an heiress. Now, as the wearers of skin seldom shave so closely as the wearers of broadcloth, we may assume that Adam wore his beard. This opinion is strengthened by a remark of the English Josephus—no great authority, however—who, when speaking of the form of Adam's beard, says he must have worn it long; that is, a long time, before Tubal Cain had made a razor wherewith to shave it. It may be as well, however, to leave the antediluvians to themselves. Aaron, we learn, wore a forked beard, which was anointed with butter, like the head of Mr Mansfield Parkyns, the Abyssinian Brummel. The Theban Ammon-ra wore a narrow elongated beard, as Egyptian monuments testify; and the indomitable energy of Layard has made evident to us, as a nation of shopkeepers, the extraordinary demand for curling-tongs which must have existed among the ancient Assyrians, from the elaborate manner in which they dressed their beards. In short, from the earliest antiquity, the beard has been highly esteemed as an emblem of dignity and wisdom.

Homer, in terms of the warmest admiration, speaks of the snow-white beards of Priam and Nestor. Virgil, with all the ardour of a poet, descants on the flowing beard which covered the breast of Mezentius. Pliny, the Younger, seems to take a pleasure in relating how the flaxen beard of Euphrates, the Syrian philosopher,

inspired his fellow-countrymen with the most respectful veneration. Persius, convinced that the beard was the symbol of all wisdom and knowledge, considered that he could not bestow a higher encomium on Socrates than terming him *magistrum barbatus*—the bearded master.

When Louis XIII. ascended the throne of France, a mere lad, the supple courtiers shaved off their beards in compliment to the youthful king. But shortly afterwards, circumstances of danger and difficulty arising, the court was compelled to solicit the assistance and advice of the distinguished soldier and statesman, Sully. The brave old warrior disdaining to conform to what he considered an effeminate custom, wore a beard of magnificent dimensions, and was consequently a conspicuous object among the close-cropped courtiers, who greeted his unfashionable appearance with sneers and contemptuous laughter. Sully, unabashed by such demonstrations, advanced to the king, and said: 'Sire, when your father, of glorious memory, did me the honour to consult me on grave affairs of state, he first dismissed the buffoons and stage-dancers from the presence-chamber.'

The succession of the boy-king, Philip V., to the crown of Spain, had an exactly similar effect upon the beard; but, as a proof of the estimation in which it was held, its suppression gave rise to a well-known Spanish proverb, '*Desde que no hay barba, no hay mas alma*'—(Since we have lost our beards, we have also lost our souls.)

Even among the lowest classes, the beard was formerly considered to be the symbol of wisdom and command. In Beaumont and Fletcher's comedy, *The Beggar's Bush*—or Fletcher's rather, for it was written after Beaumont's death, and acted, for the first time, before the court in 1622—when Owain, a stranger, has, at the beggars' request, chosen the one who had the longest beard to be their king, Higgen, the beggar-ordinator, thus addresses the new-made monarch:

But what need presage
To us, that might have read it in thy beard,
As well as he that chose thee? By that beard,
Thou wert found out and marked for sovereignty.
Oh happy beard! but happier prince whose beard
Was so remarked, as marked out our prince,
Not bating us a hair.

The most sacred oath of the Mohammedan is, 'by the beard of the Prophet;' and when a 'turbaned Turk' suspects that any one is trying to humbug him, the expressive inquiry, 'Do you mean to laugh at my beard?' is tantamount to the Englishman's, 'Do you see anything green about me?' This is also the signification of the old phrase, 'making a beard,' we find in Chaucer. In the reeve's tale, the miller says:

I trow the clerks were afeared,
Yet can a miller make a clerk's beard,
For all his art.

In the olden time, when an inferior was addressing a person of higher rank, or when a person was soliciting a favour, it was always the custom to stroke the beard downwards, as a token of inferiority, deference, or entreaty. Butler, who seems to have never missed the slightest shade of manner or character, represents Hudibras making submissive congees to the widow:

And all due ceremonies paid,
He stroked his beard, and thus he said.

This observance is as ancient as Homer: we read in the tenth book of the *Iliad*, when Dolon is earnestly supplicating Diomed for mercy:

Sternly he spoke, and as the wretch prepared,
With humble blandishment, to stroke his beard,
Like lightning swift, the wrathful falchion flew.

The custom is also alluded to in that most amusing

episode in *Don Quixote*, where the fictitious Trifaldin, of the white beard, squire to the equally fictitious, disconsolate matron, implores assistance from the knight of the woful countenance. 'He coughed,' says the author, 'and stroked his unwieldy beard from top to bottom with both hands.'

How much more graceful a gesture this is, than the ridiculous and unmeaning mock-hand-washing manœuvre, so regularly performed by tavern-waiters and walking-gentlemen! Even our tragedians overlook this graceful, natural expression of submission and deferential appeal, though they have the high authority of Shakspeare for it. In *Troilus and Cressida*, Ulysses describes Patroclus mimicking the Grecian warriors for the amusement of Achilles, and the latter saying:

Now play me Nestor—hem and stroke thy beard,
As he, being dressed to some oration.

Probably this gesture arose from the beard being frequently consecrated, as a most precious offering, to the heathen deities. Chaucer, in the knight's tale, describes Arcite as offering his beard to Mars, in the following words:

And evermore until the day I die,
Eternal fire I will before thee find:
And eke to this avow, I will me bind,
My beard, my hair that hangeth long adown,
That never yet felt no offension
Of razor nor of shears, I will thee give,
And be thy true servant while I live.

Our Saxon ancestors delighted in wearing long forked beards; the Normans, on the contrary, at the period of the Conquest, not only shaved their chins, but also the back parts of their heads. They had not, however, been long established in England before they permitted their beards to grow to extravagant dimensions. The long beards, painted hoods, and gray coats of the English were thus satirised by some Scottish visitors to London in the reign of Richard I.:

Long beards heartless,
Painted hoods witless,
Gray coats graceless,
Make England thrifless.

From the time of Henry IV., the beard began to decrease in size and popularity; and growing fine by degrees and beautifully less during the long and disastrous commotions of the Wars of the Roses, became almost extinct, until it was once more called into existence by the Reformation. Yes, doubtful reader, by the Reformation. Small events may arise from great causes, as well as great events from small causes; and thus it was how that ever-memorable occurrence affected the beard.

After the separation of the Greek and Latin Churches, the practice of shaving became a religious duty among the Roman ecclesiastics, by way of opposition to the Greeks, who, to this day, have continued to pay reverence to a well-clad chin, and are greatly shocked by the beardless images of saints in the Latin churches. The shaving of the chin by the clergy was imperatively commanded by various statutes in the Romish Church; and so strictly were these statutes adhered to, that Duprat, Bishop of Clermont, daring to break them, found one Easter-Sunday morning the doors of his own cathedral shut in his face. But three dignitaries of the chapter were awaiting him in the porch, one holding a razor, another a pair of scissors, and the third an open book, containing the statutes of the church, with his finger pointing to the words *barba rasis*. In vain did the bishop urge the sinfulness of shaving on so holy a day; he was not listened to. Prevented from entering the cathedral, he returned home with his beard, and in a short time died of a broken heart.

By the monastic laws, the lay-monks were commanded to let their beards grow, and only the priests to shave; and a writer, previous to the Reformation, complains that the manners of the clergy had become so corrupt, that they could not be distinguished from the laity by their actions, but only by their want of beards. Consequently, the early reformers suffered their beards to grow, to distinguish themselves from the adherents to Rome; and the Reformation becoming general in England, the beard by this means came into fashion among the clergy.

Verheiden's portraits of the Reformation afford us some good specimens of beards. Beza wore his long and forked; Calvin's was long and pointed, with a slight waving curl; Fox and Crammer wore goodly appendages to their chins; but John Knox eclipsed all his contemporaries, his beard flowing down to his girdle. These reverend fathers did not wish to concede the use of the beard to the laity, considering that it should be the distinguishing feature of the ecclesiastic alone.

The archaeological inquirers of a future era, thanks to the still-increasing triumphs of the graver's art, will have an easy task when tracing the modes and costumes of our days. A few copies of *Punch* or the *Illustrated News* preserved from oblivion, will make the all-round collar and the alpaca poncho, the wide-awake hat and the Wellington boot, the paletôt and the Paxton, almost as familiar to our descendants as those brilliant triumphs of æsthetic invention are to ourselves. We, however, when looking back among the dim shadows of antiquity, have no such advantage; in the earlier periods of our history, we are able to trace the form of the beard only in hideous pre-Raphaelitish figures, worked on tawdry threadbare tapestry, or on the sculptured stones and brasses that uncouthly represent the living forms of the dead, to whose memory they were erected. From the reign of Elizabeth, however, the dawning of the modern drama, as the dramatic writers, those brief chroniclers of the times, hold their mirrors up to nature, we are enabled to glean a few reflections; and the satirists, too, when vigorously lashing, afford us many glimpses of the fashions and follies of their era. Holinshed, writing about the middle of the sixteenth century, says:

'Neither will I meddle with our variety of beards, of which some are shaven from the chin, like those of the Turks, not a few cut short like to the beard of Marquis Otto; some made round, like a rubbing-brush; other with a pique devant (Oh, fine fashion!), or now and then suffered to grow long; and the barbers being grown to be so cunning in this behalf as the tailors. Therefore, if a man have a lean and straight face, a Marquis of Otto's cut will make it broad and large; if it be platter-like, a long slender beard will make it seem the narrower; if he be weasel-beaked, then much hair left on the cheeks will make the owner look like a bowdled hen, and so grim as a goose, if Cornelis of Chelmerford say true; many old men wear no beards at all.'

Without presuming to insinuate in the slightest degree that any of the supporters of the present beard-movement are 'weasel-beaked,' or that any amount of hair on the face would make any of them look 'so grim as a goose,' we would earnestly solicit their attention to the fact, thus alluded to by Holinshed, that our ancestors cut their beards according to the forms of their faces; and that they, if they wish to wear their beards to the adornment of their persons, must undoubtedly do the same.

In Lyly's *Midas*, published in 1591, we find one Motto, a barber, thus addressing his apprentice: 'Besides, I instructed thee in the phrases of our eloquent occupation, as—How, sir, will you be trimmed? Will you have your beard like a spade or

a bodkin? a penthouse on your upper lip, or an alley on your chin? your mustaches sharp at the end, like shoemaker's awls, or hanging down to your mouth like goat's flakes?'

The spade-beard, in form like the iron part of a spade, was that mostly worn by soldiers. At a period when almost all men wore swords, and those weapons were frequently drawn to decide very trifling quarrels—in an age, we may say, of 'difficulties,' as our transatlantic brethren mildly term combats à l'outrance, a beard cut to look terrible to an enemy was probably no small advantage to the wearer. Shirley, however, in *A Contention for Honour and Riches*, written about 1630, shews that the terrible beard had not always a terrific effect:

Soldier. You have worn a sword thus long to shew the hilt,

Now let the blade appear.

Courtier. Good Captain Voice,

I shall, and teach you manners; I have yet

No ague; I can look upon your buff

And punto beard, and call for no strong waters.

The spade-beard, however, was not always the distinguishing mark of a soldier: the unfortunate Earl of Essex wore a spade; but his friend Lord Southampton, the patron of Shakspeare, who passed a great part of his life in camps, wore the long slender tuft of hair, diminishing to a point, termed the stiletto-beard. But the fashions of beards, like everything else, were always changing. One of the characters in Middleton's *Time's Metamorphosis*, exclaims to another:

Why dost thou wear this beard?

'Tis clean gone out of fashion.

It is highly probable that the officers and private soldiers of an army wore their beards as their general did his. In *King Henry V.*, Gower, when enlightening Fluellen as to the true character of the cowardly braggart Pistol, says: 'And what a beard of the general's cut, and a horrid suit of the camp will do among foaming bottles and ale-washed wits, is marvellous to be thought on; but you must learn to know such slanders of the age.'

The almost endless variety of beards that were fashionable in the reign of Charles I., have been sung by Taylor in the *Superbia Flagellum*, though, curiously enough, he does not mention the kind of beard he himself wore. It was a corkscrew-beard, a single tuft of hair, hanging down from the centre of the chin, and twisted into a spiral form. Taylor's description of beards occupies some pages; we shall quote only the close of it:

Some like a spade, some like a fork, some square,
Some round, some mowed like stubble, some stark bare,
Some sharp stiletto fashion, dagger-like,
That may, with whispering, a man's eyes outpique;
Some with the hammer-cut or Roman T,
Their beards extravagant reformed must be;
Some in the quadrate, some triangle fashion;
Some circular, some oval in translation;
Some perpendicular in longitude;
Some like a thicket for their crassitude;
That heights, depths, breadths, triforms, square, oval,
round,

And rules geometrical in beards are found.

The Roman T or hammer-cut beard was a plain tuft down the centre of the chin, the mustaches parted straight out on each side to form the cross, or upper part of the T. The beard worn by the present emperor of France is an exact Roman T, as may be verified by many old portraits. It was all the vogue in the time of Charles I., as we learn from the *Queen of Corinth*:

He strokes his beard,

Which now he puts i' the posture of a T,

The Roman T; your T-beard is the fashion.

A beard somewhat resembling the spade form, but of an equal breadth throughout its length, was known as the tile-beard—a term still more appropriate when it was of a reddish colour. Thus we read in *Hudibras*:

His tawny beard was th' equal grace
Both of his wisdom and his face,
In cut and dye so like a tile,
A sudden view it would beguile.

A tile-coloured beard, however fashionable or unfashionable its shape might have been, was not by any means considered a blemish in the olden time. The exquisites of that period used to dye their dark hair and beards a light colour, as some now-a-days dye their light hair dark. In the old books of recipes or 'secrets,' as they are termed, we never meet with the modern friseur's motto, 'No more gray hairs;' on the contrary, we are told how to change black hair to gray, white, yellow, red, and even green. In the seventeenth century, the Jewish females in Holland and Flanders used to cut off their fine black hair, and wear yellow wigs instead. So much for the caprices of fashion.

We think it our duty, however, to warn the youthful reader that the ladies, even in the olden time, did not always admire the beard, especially when it was accompanied by the fumes of tobacco-smoke. A conversation similar to the following might very readily take place at the present day, though we actually extract it from Marston's *Antonio and Melida*, a comedy first acted in 1662:

Piero. Faith, mad niece, I wonder when thou wilt marry.

Rosaline. Faith, kind uncle, when men forsake taking of tobacco, and cease to wear their beards so rudely long. Oh! to have a husband with a mouth continually smoking, with a bush of furze on the ridge of his chin, ready still to flop into his foaming chops; ah! 'tis more than most intolerable.

The beard, too, was on some occasions, and might be still, a tell-tale. Ralph Kettle, preaching in St Mary's Church at Oxford, at the conclusion of his sermon said: 'But now I see it is time for me to shut up my book, for I see the doctor's men come in, wiping their beards from the ale-house.' 'He could,' says Aubrey the antiquary, 'plainly see them, and 'twas their custom to go there, and about the end of the sermon to return to wait on their masters.'

Even in its high and palmy days, the beard, when too large, was not unfrequently a subject of ridicule. In *Lyly's Midas*, we read of

A dozen of beards
To stuff two dozen of cushions.

And in the same play, another character says:

All my mistress's lines that she dries her clothes on are made of moustachio stuff.

Again, Menenius, in *Coriolanus*, tells the tribunes that their 'beards deserve not so honourable a grave as to stuff a butcher's cushion, or to be entombed in an ass's pack-saddle.'

In Charles II.'s time, the beard became smaller and smaller, till at last a new style of decorating the head put it entirely out of fashion: this was the detestable monstrosity termed a periwig, worn in servile imitation of the French courtiers, who wore it in servile adulation of Louis XIV. The Grand Monarque, it appears, when a boy, had a remarkably beautiful head of hair, which hung down in long waving curls upon his shoulders; and the courtiers, out of compliment to their young sovereign, had wigs made to imitate his natural locks, which obtained the name of perukes. The base subserviency of the English to the French court at that period, placed this absurd head-dress on the shoulders of English gentlemen, and the common

people contemptuously termed it a periwig—a name which had previously been given to a theatrical character-wig, worn, as Hamlet says, 'by a robustious periwig-pated fellow.'

So late as the first half of the last century, some of the clergy continued to wear the beard. Clubbes, in his *Free Advice to a Young Clergyman*, written about that period, recommends him 'not to come into that Jewish fashion of wearing a beard round his face; in them [the Jews] it may be proper enough, but, with us, openness of countenance is the characteristic of an ingenuous mind.'

The periwig, after extinguishing the beard, fell into the oblivion it so well merited. Custom, tyrannical custom, still inflicts it on the heads of lawyers, its last refuge. The beard, aided perhaps more than is generally considered, by the loosely fitting forms of our present garments, seems likely to regain some of its ancient importance. But, alas! the black, inconvenient cylinder, termed a hat, still tortures our weary heads. Assuredly, a majority of the adult male population of England would accept the beard, ay, and dye it green too, if inexorable fashion required it, on condition that a new and easily worn hat were introduced at the same time.

SKY-HIEROGLYPHICS.

WHEN the remote regions of space are reconnoitred by the help of very powerful telescopes, miniature star-systems are discerned scattered about there, some looking only like minute specks of faint cloud, on account of the collective light of their twinkling host being paled down, almost to disappearance, by extreme distance; but others having distinct star-points dotted and stippled in upon their faces in various ways, so that they assume individual and characteristic forms, which can be at once recognised whenever they are encountered by astronomers.

Among these more individualised star-systems of the remote firmament, there are some twelve or fourteen which possess an especial interest on account of the intelligence which beams forth from their features. A family likeness pervades all the members of this group, the fundamental idea of the physiognomy being a spirally contorted arrangement of light streaks, with scintillating balls concentrated in the midst, and depending from the outer extremities of the spires. They all look very much as if they might have been whirling fireworks, whose sparks were suddenly, and as they flew, fixed into indelible fire-petrifications. Some of these star-scrolls are viewed in full face, with all their convolutions open, like the partitions of the nautilus-shell seen in section and edgewise; others are contemplated three-quarters full, and others in profile, with the scrolls setting away from the observer. Science is indebted to the skill and perseverance of Lord Rosse for its knowledge of these strange objects. It was the noble instruments of this illustrious observer that first brought into view these star-shells of the celestial deep.

In these spiral star-systems, the scrolled or convoluted arrangement is so obvious and complete, that there can be no doubt of the peculiar figure expressing the dominant operation of some special power. The spires of these starry miniatures as much declare the active influence of some scrolling agency, as the fiery whorls of the Catharine-wheel intimate that the body which emits the sparks is in rapid revolution. Hence the discovery of the scrolled nebulae by Lord Rosse was very soon followed by speculations, on the part of inquisitive philosophy, concerning the forces that were probably at the bottom of the scrolling. Scientific men are now pressing with great urgency the question, 'What can the meaning be that is hidden within these hieroglyphical inscriptions of the sky?' What are

the proceedings of nature that are recorded by these curled and contorted characters?

The sails of a wind-mill go round because their sloping vanes are pressed laterally as the breeze sweeps along past them. But now, let it be conceived, for the sake of illustration, that the tables for once are turned upon the wind; let it be imagined that the sails are whirled round by means of machinery acting upon the central shaft within, just as the blades of the screw are whirled round by the shaft, at the stern of the screw steam-ship. Then they would be resisted by the wind, as they turned, and would have to drive currents of it out of their way, as the blades of the steam-screw drive backwards currents of water by their revolution. The sails of the wind-mill would, on this supposition, succeed in dashing the air out of their way, principally because their framework was made of strong unbending timber. But if it were formed of yielding whalebone, or India-rubber, instead of being composed of rigid timber, how would the case then stand? The elastic ribs of the sails would give way, to a certain extent, before the resistance they experienced, and would curve before it, as the whalebone frame of an umbrella curves before a violent blast of wind. The rotating mill-sails, if viewed from a distance, would then cease to look like a revolving cross, as mill-sails ordinarily do in the face of the landscape, and would assume instead the appearance of convoluted spires turning upon their centres. They would, in fact, wear the same general aspect as the scrolled nebulae or star-systems brought to light by the researches of Lord Rosse. This, then, is what many natural philosophers are inclined to hold that these convoluted objects are. They believe them to be revolving sails, whose skeletons and ribs are of yielding consistence, instead of being composed of rigid material; so that the radiating arms get bent into spiral curves when they are whirled round in the midst of a resisting force that serves to oppose their movement.

An apparent difficulty presents itself upon the threshold of this explanation, which seems at the first glance to affect its principles in an unfavourable way: the revolving sails of a wind-mill can be seen going round; their movements can be traced by the eye; but no motion can be detected in the star-scrolls; none of them have yet perceptibly changed the positions of their spirally curved arms since the period when they first came under observation. They are not seen to be going round. Upon further consideration, however, this obstacle complaisantly withdraws itself out of the way. When an observer stands near to a wind-mill, the ends of the revolving sails rush past him with terrific impetuosity and speed; but if he then moves off gradually from the mill, he will observe that the sails appear to turn more and more gently, although, in fact, the velocity of their movement is in no way altered. Under this experience, the notion is soon realised, that it is altogether possible for such a thing to exist as mill-sails so vast, that although their extremities are rushing along with a speed of almost inconceivable amount, they may nevertheless be contemplated from a distance at which the revolutionary progress ceases to be perceptible during any interval of time that can be employed in observation. If the star-scrolls be revolving spiral sails, it is obvious that they really must stand in this precise category. It is known that their stupendous forms extend through distances light could not flash across in thousands of years, although it passes round the earth six times in a second; and that, consequently, if the outer extremities of their spires were sweeping onwards with a velocity many times greater than that with which the iron ball flies from the mouth of the cannon, that velocity would nevertheless be altogether inappreciable to observers watching it from minute

to minute, and from day to day. So enormous must the circles be through which those celestial mill-sails wheel, that they can only be completed in intervals of thousands upon thousands of years, whatever may be the speed of the movement. In such a state of affairs, it is manifest that short-lived man must watch in vain for any indication of the mighty progress. Its almost infinite march must, of necessity, altogether elude the finite sense that endures but for a few short years.

Having summarily disposed, then, of this weighty difficulty, three other very important considerations next arise: What is the nature of the movement wherewith these gigantic firmamental mill-sails are wheeled round? what is the character of the resistance that curves their huge arms? and what is the composition of these arms, that they are strong enough to hold together, and yet pliable enough to bend to the pressure? We want to know, what are those firmamental mill-sails made of? why are they spirally bent? and why do they whirl?

The most direct road to the solution of these queries lies nearer home than the far-off regions in which the strange objects themselves are placed. Bring back your attention, for a brief interval, to the earth—What is that body? It is both very large and very heavy. Take a million of tons of some solid substance, like iron ore—that is, as many tons as it would require eleven days and a half to count, if one ton were reckoned off every second—place them all in a heap; then make a million such heaps, and lump them all together as a billion of tons. Next form as many billion heaps as there are individual tons in the lump, add one quarter as much again, and roll up the whole into a ball. There you will have the earth, so far as massiveness is concerned. The terrestrial sphere weighs a billion and a quarter of billions of tons!

But how is this ponderous ball sustained in space? Where is the pillar upon which its enormous bulk is laid? or where are the chains by which it is suspended? Go round the earth from east to west, and from north to south, and you will see nowhere any material support. All is transparency and void, until the eye reaches the far-removed orbs which gleam in the remote firmament. The earth is an island of matter, in the ocean of immensity, with only waves of impalpable and incoherent ether breaking upon its shores.

As might be anticipated, then, since this ponderous sphere is not supported in space, it is falling through it, sweeping along onwards, and still onwards, for ever, with fearful impetuosity. The speed of its movement is sixty-eight times as great as that of a ball shot from a rifle; ninety times as great as the velocity of sound; and *eleven thousand times* as great as the speed of the express railway-train! The earth performs a surprising journey of nearly sixty-eight thousand miles every hour.

But whither is the earth falling? To what point does its rapid movement tend? Its own inherent tendency of movement is towards the next very large substantial body that lies out in space as its next-door neighbour. It endeavours to fall to that neighbouring body, as a small stone strives always to fall to it, when raised away from the terrestrial surface. It has been arranged by the Creative fiat which established the order of nature, that all heavy bodies shall act as magnets towards each other. Each one draws, and is drawn by, all the rest. If a series of heavy bodies, like the earth, were simultaneously set down in different situations in space, and then were abandoned there, free from external control, they would all immediately rush together under the influence of this magnet-like attraction.

The nearest very large substantial body that lies out in space, as a next-door neighbour to the earth, is

the sun. This neighbour is a very large sphere indeed; it has in itself a bulk that is equal to a million and a half of earths, and it consequently plays the part of a proportionally powerful magnet to its terrestrial companion. If the earth were abandoned to the influence of this mighty magnet, it would of necessity be drawn to the sun, and would find itself held fast there after a few hours' rapid flight. It is not, however, abandoned to the solar attraction, for it was primevally thrown into space, so to speak, and not set down there; and it was thrown in such a direction that its own momental impulse carried it, not towards the sun, but across the direction in which the sun forthwith began to pull it. The consequence was, that it went on moving, neither in the line in which it was launched by the Creative hand, nor yet in the direction along which the sun pulled it, but in a course that was intermediate to, or compounded of both. This, then, is how the ponderous earth is sustained without material upholding. It is sustained by the combined influence of movement and attraction. It is rushing along with the momental force with which its vast mass was originally launched into space; but as it is doing so, it is caught in the strings of the sun's attractive energy, and is made to whirl round the sun, as a stone is caused to whirl round the head of a slinger, by the strings of the sling. The earth's onward momental movement is diverted into a whirl round the sun by the solar attraction. The ponderous earth is falling round the sun in a circle, or, more correctly speaking, in an ellipse, that for ever returns very nearly into itself.

But upon what is the yet more ponderous sun pillared or hung in its turn? The sun, too, hangs upon nothing. It is falling through space. With its dependent earth, it is rushing along for ever with a speed sufficient to carry it through the vast distance of one hundred and fifty-four millions of miles in the course of a year. As, however, it is doing so, it, too, is caught in the strings of attraction, and is made to whirl round, instead of flying onward. It is whirling round large orbs like to itself, which, nevertheless, on account of extreme remoteness, look to human eyes only like twinkling stars.

What is true in regard to the earth and the sun, is also true of the other material members of the universe. All the bright stars are wheeling through space, rushing onwards with the momenta primarily impressed upon their several masses, but gracefully bending round each other as they do so, under the influence of mutual attraction. The stellar orbs are sustained in space in precisely the same way as the earth and the sun: motion and attraction uphold them as securely as if they were hung in material chains. The twinkling stars which are scattered so confusedly in the nocturnal firmament, are all connected into a system, by the meshes of mutual attraction, but are continually keeping the threads of those meshes stretched by their gyratory energies. They cannot fly asunder, because each is restrained by the magnet-like hold of its neighbours; they cannot rush together, because each is impelled by innate impulse of great power another way: consequently, they all sweep round and round, like drops in a mighty whirlpool. If some superhuman intelligence, freed from the restrictions of space and time, could rest on the far shore of the immensity, and look back, in sustained contemplation, upon the twinkling brotherhood, it would see this star-whirlpool dimpling the even face of the firmament, as man sees the watery eddies dimpling the smooth face of the mill-pool.

Even so when the astronomer, aided by the telescope, looks out into surrounding space, he sees dimples on the face of the firmament, caused by eddies of stars. He has not time, it is true, to follow the movement, but he sees the fact of the movement in the form of

the eddy. Those spiral scrolls discovered by Lord Rosse are eddies of stars caught in the act of gyration. The elastic and flexible connection that holds together the spiral arms, is the magnet-like attraction of star for star; the resistance that curves the arms into spirals, is the preponderance of the magnet-like attraction in the direction in which most stars are concentrated at the time; and the movement which produces the whirl, is the impulse communicated to the stars by the hand of the Creator. The stars in the distant and external systems, detected beyond the utmost bounds of the earth's more immediate star-group, are sustained in space by precisely the same agency as those nearer bodies.

Such is the interpretation the Daniels of science now offer as the correct reading of these scroll-hieroglyphics. They tell us that, in those spiral nebulae, stars are seen, hanging in clusters upon each other, like bees in a swarm, yet kept from actual contact by the rapidity with which they are eddying. Streaks and knobs of superior brilliancy appear wherever the whirling stars set in more closely together for the time. In the rich depths of the universe there are, in all probability, star-systems of every degree of diversity. In some, for instance, the several orbs are sweeping in concentric ellipses round a common focus, as the planets roll in concentric orbits around the sun; in others, the stars are rushing along in every direction, layer over layer, spherically arranged, as shell beyond shell; and in yet others, subordinate dimples are circling in more comprehensive revolutions, just as the satellites are whirling about the planets, and the planets about the sun.

But it by no means follows that any of these star-systems are of fixed and unalterable character; it is far more accordant with the plan of cyclical progress, which seems to be of such general prevalence in the universe, that the condition present in either of them at any one time is but a single figure in a mazy dance that passes on through a long series of changes, at length to return again and again upon itself, exactly as each varied configuration of the planets and satellites is renewed after prolonged periods. Those spiral scrolls, indeed, look to the eye as if they were unrolling their star-streams. Possibly, myriads of centuries hence, they will have expanded themselves into hollow rings; and then, after yet other myriads of centuries, will be found reconcentrated into compact spherical clusters, in their turn once more to unroll into spirals. It is a very remarkable fact, that hollowing star-systems, and spherically compacted systems, are discerned in the firmament, just as if different members of the same organisation were exhibited to the eye in the successive stages of their progressive change, to compensate for man's inability to trace out the progress of the change in any individual case.

SCHOOLS CHEAP AND NASTY.

THE schoolmaster is a rising man in our age. It may be safely said that, in income and in social consideration, he is at twice the height he was in the early years of this century. Yet the *Times* continues to inform us of instances in which the expectations of this functionary appear quite as low as ever, if they are not indeed lower. Take the following example, selected from a late number:

Education sixteen guineas per annum.—A lady keeping a highly respectable establishment, offers to receive a few young ladies on these reduced terms, including Music, Drawing, and French. House very large, with excellent playground. School-room, 40 by 18 feet. Tradesmen's daughters taken in exchange. Unexceptionable references. Address with real name, &c.

In the next column we find a similar one, only young gentlemen are advertised for, and the terms are a little lower than in the above:

Education sixteen pounds per annum (no extras).—Parents of limited income and those having large families are invited to address the advertiser. The education embraces the Latin, Greek, French, and German languages, the Mathematics and English generally. The house is spacious, standing in its own beautiful and extensive pleasure-grounds. A liberal table is kept, and every domestic comfort may be depended on. References to parents of pupils now at the school.

In a third, taken from the same page, an offer is made to board, clothe, and educate young gentlemen for L.18 per annum; and numbers of others may be found even within the limits of the same paper, offering board and an education including numerous accomplishments, on terms varying from this sum to L.25 a year.

One can hardly think that Mr Dickens's Dotheboys Hall is an overdrawn picture, or that such establishments as the one kept by Mr Squeers have ceased to exist, when we read such advertisements as the above. The age in which we live, philanthropical as it may be, is not so overflowing with the commodity that a crowd of benevolent individuals are to be found willing and eager to educate the children of other people at the cost of their own pockets; and yet a little analysis will shew that education on such terms cannot otherwise be given.

Let us calculate the cost of a pupil fed in the plainest manner, and at the least possible expense—but not actually dipping under the starving-point—for forty weeks out of the fifty-two, allowing the remaining twelve for vacations. Let us suppose this child to have three meals a day—a number parents have a predilection for as the minimum; and that the morning and evening repast cost sixpence together: these meals alone, for 280 days, will take L.7 out of the annual stipend. Dinner, with however small a quantity of animal food, could not be supplied for the same sum; but calculating it to cost a fraction above fourpence per day (including the luscious vehicle of the sulphur), L.5 more will be required; so that at least L.12 per annum must be expended in the actual cost of food. But it is not only food that has to be provided, but lodging. The veriest outcasts on the face of the earth pay threepence a night for bare shelter, with a couch of straw, not particularly clean. Allow but the same for the lodging of your child night and day, and L.3, 10s. more is expended out of the sixteen guineas named in the first advertisement. At this computation, which certainly does not admit of anything very luxurious either in food or accommodation, twenty-six shillings will remain to pay for the instruction of the young ladies for the year, including music, drawing, and French. In the second advertisement, in which pounds are mentioned instead of guineas, the sum of ten shillings per annum remains to pay for the education, 'which embraces Latin, Greek, French, and German; mathematics and English generally.' In the third, as clothing is offered, in addition to board, lodging, and education, for L.2 a year more, we may consider there is no very important difference in the terms.

But it is not only for what has been already mentioned that the head of an educational establishment must look for remuneration; in the first place, some capital is necessary to take and furnish a house large enough for scholastic purposes; and let the furniture be of the very plainest and most homely description that can be procured, it will still cost something. Of course, for this capital expended, interest must be looked for. Then there is the actual rent of a large

house and grounds—if the advertisement can be credited which describes them—the wages and food of servants, with other items almost innumerable. All this is positive outlay, independently of the educational part of the bargain. Supposing the master to be so admirable a Crichton as to be able to teach all the varied branches of learning himself, and the lady-principal so completely finished as to undertake the whole conduct of the school, accomplishments included, surely the time of such talented persons is worth a trifle. They should at least earn a living by exercising these powers; and not only that, but some little return might naturally be expected, by way of interest, for the sums spent in fitting them for the position they occupy. But as it can scarcely be thought that a single head, with the pair of hands which usually—not always—accompany it, will be able, unaided, to go through the whole work of a school, suppose an assistant to be employed. This does not always imply that the individual is paid; for, referring again to the columns of the *Times*, we find advertisements inserted by persons at least professing to be able to teach a great deal, and stating their willingness to do so without any other remuneration for their services than simply board and lodging, or, to use the prescriptive term, 'a comfortable home.' The teacher, however, even when receiving no salary whatever, must cost the principal at least as much as one of the pupils.

Now comes the question, how are all these expenses met? Sometimes we hear of additional items of various kinds inserted in the bills, which so swell their amount as to make the concern pay in spite of the apparent lowness of the charge; but in one of these advertisements we see the ominous words, 'No extras;' so we are driven from that idea in despair.

And yet some profit must be obtained out of the miserable pittance quoted, or why are such pupils thought not only worth having, but advertised for? Advertisements, it is true, are now pretty cheap; but being frequently, almost constantly, repeated by the philanthropical educators of juvenile England, they must cost a good deal in the aggregate.

That it is quite impossible for a teacher, in such circumstances, to fulfil his bargain honestly to himself and his employers, must be apparent. Yet I should almost blame more than the school-speculators, the parent who committed his child into such hands without making any calculation as to whether the other party in the bargain can be reasonably expected to fulfil his share of the contract. This, however, is often the last thing thought of; the main object being to have their children taken entirely off the parents' hands, and brought up with as little trouble and expense to themselves as possible. That there is a great demand for these cheap schools is evidenced by the number of advertisements, similar in class to those cited, which appear daily in the provincial papers as well as the *Times* and other metropolitan journals.

It would be amusing, were it not for the ideas of a different nature which are also suggested by them, to notice such sentences—as, for instance, this, from one of the advertisements given above: 'Parents of large families and of limited income are invited to address the advertiser;' and again, 'Tradesmen's daughters taken in exchange.' The family should indeed be large if a member is condemned to be educated and boarded on such terms. The remark as regards 'tradesmen's daughters' is, to say the least of it, a little ambiguous. Are they to be taken in exchange for the children of the school, the deficiency of the latter in flesh being made up for in learning? Or are the olive branches of the tradesman to be done for in payment of his account for the goods he deals in? If this is the true explanation—and we suspect it is so, notwithstanding the absurdity of the phrase 'children taken in exchange'—the advertisements are

doubtless meant exclusively for the dealers in adulterations and imitations, as articles of any quality whatever will fully remunerate the school for such board and education.

THE WAR-TRAIL:

A ROMANCE.

CHAPTER LXXXVII.—NO COVER.

In silence I continued to scrutinise the camp, but could discover no mode of approaching it secretly or in safety.

As I have said, the adjacent plain, for nearly a thousand yards' radius, was a smooth grass-covered prairie. Even the grass was short; it would scarcely have sheltered the smallest game, much less afford cover for the body of a man—much less for that of a horse.

I should willingly have crawled on hands and knees over the half-mile that separated us from the encampment; but that would have been of no service; I might just as well have walked erect. Erect or prostrate, I should be seen all the same by the occupants of the camp, or the guards of the horses. Even if I succeeded in effecting an entrance within the lines, what then? Even should I succeed in finding Isolina, what hope was there of our getting off?

There was no probability of our being able to leave the lines unseen—not the least. We should certainly be pursued, and what chance for us to escape? It was not probable we could run for a thousand yards with the hue and cry after us? No; we should be overtaken, recaptured, speared or tomahawked upon the spot!

The design I had formed was to bring my horse as close as possible to the Indian lines; to leave him under cover, and within such a distance as would make it possible to reach him by a run; then mounting with my betrothed in my arms, to gallop to my comrades. These I had intended should be placed in ambush, as near to the camp as the nature of the ground would permit.

But my preconceived plan was entirely frustrated by the peculiar situation of the Indian encampment. I had anticipated that there would be either trees, brushwood, or broken ground in its neighbourhood, under shelter of which we might approach. To my chagrin, there was none of the three. There was no timber nearer than the grove in which we were lying—the copse excepted—and to have reached this would have been to enter the camp itself.

We appeared to have advanced to the utmost limit possible that afforded cover. A few feet further would have carried us outside the margin of the timber; and then we should have been as conspicuous to the denizens of the camp, as they now were to us. Forward we dared not stir—not a step further.

I was puzzled and perplexed. Once more I turned my eyes upon the sky, but I drew not thence a ray of hope; the heavens were too bright; the sun had gone down in the west; but in the east was rising, full, round, and red, almost his counterpart. How I should have welcomed an eclipse! I thought of omnipotent power; I thought of the command of the Israelitish captain. I should have joyed to see the shadow of the opaque earth pass over that shining orb, and rob it of its borrowed light, if only for a single hour!

Eclipse or cloud there was none—no prospect of one or other—no hope either from the earth or the sky.

Verily, then, must I abandon my design, and adopt some other for the rescue of my betrothed? What other? I could think of none: there was no other that might be termed a plan. We might gallop for-

ward, and openly attack the camp? Sheer desperation alone could impel to such a course, and the result would be ruin to all—to her among the rest. We could not hope to rescue her—nine to a hundred—for we saw and could now count our dusky foemen. They would see us afar off; would be prepared to receive us—prepared to hurl their masses upon us—to destroy us altogether. Sheer desperation!

What other plan?—what— Something of one occurred to me at that moment: a slight shadow of it had crossed my mind before. It seemed practicable, though fearfully perilous; but what of peril? It was not the time, nor was I in the mood, to regard danger. Anything short of the prospect of certain death had no terror for me then; and even this I should have preferred to failure.

We had along with us the horse of the captive Comanche. Stanfield had brought the animal, having left his own in exchange. My new design was to mount the Indian horse, and ride him into the camp. In this consisted the whole of my newly conceived scheme.

Surely the idea was a good one—a slight alteration of my original plan. I had already undertaken to play the rôle of an Indian warrior, while within the camp; it would only require me to begin the personation outside the lines, and make my *entrée* along with my *début*. There would be more dramatic appropriateness, with a proportionate increase of danger. But I did not jest thus; I had no thought of merriment at the time. The travesty I had undertaken was no burlesque.

The worst feature of this new scheme was the increased risk of being brought in contact with the friends of this warrior of the red hand—of being accosted by them, and of course expected to make reply. How could I avoid meeting them—one or more of them? If interrogated, how shun making answer? I knew a few words of the Comanche tongue, but not enough to hold a conversation in it. Either my false accent or my voice would betray me! True, I might answer in Spanish. Many of the Comanches speak this language; but my using it would appear a suspicious circumstance.

There was another source of apprehension: I could not confide in the Indian horse. He had endeavoured to fling Stanfield all along the way—kicking violently, and biting at his rider while seated upon his back. Should he behave in a similar manner with me while entering the camp, it would certainly attract the attention of the Indians. It would lead to scrutiny and suspicion.

Still another fear: even should I succeed in the main points—in entering the camp, finding the captive, and wresting her from the hands of her jailers—how after? I could never depend upon this capricious mustang to carry us clear of the pursuit—there would be others as swift, perhaps swifter than he, and we should only be carried back to die. Oh! that I could have taken my own steed near to the line of yonder guard—oh! that I could have hidden him there!

It might not be; I saw that it could not be; and I was forced to abandon all thought of it.

I had well-nigh made up my mind to risk all the chances of my assumed character, by mounting the Indian horse. To my comrades I imparted the idea, and asked their counsel.

All regarded it as fraught with danger; one or two advised me against it. They were those who did not understand my motives—who could not comprehend the sentiment of love—who knew not the strength and courage which that noble passion may impart. Little understood they how its emotions inspire to deeds of daring—how love absorbs all selfishness—even life becoming a secondary consideration, when weighed against the happiness or safety of its object. These

'rude men had never loved as I. I gave no ear to their too prudent counsels.

Others acknowledged the danger, but saw not how I could act differently. One or two had in their life's course experienced a touch of tender feeling akin to mine. These could appreciate; and counselled me in consonance with my half-formed resolution. I liked their counsel best.

One had not yet spoken—one upon whose advice I placed a higher value than upon the combined wisdom of all the others. I had not yet taken the opinion of the earless trapper.

CHAPTER LXXXVIII.

RUBE CONSULTING HIS ORACLE.

He was standing apart from the rest—leaning, I should rather say, for his body was not erect, but diagonal. In this attitude it was propped by his rifle, the butt of which was steadied against the stump of a tree, whilst the muzzle appeared to rest upon the bridge of Rube's own nose.

As the man and the piece were about of a length, the two thus placed in juxtaposition presented the exact figure of an inverted V, and the small close-capped skull of the trapper formed a sufficiently tapering apex to the angle. Both his hands were clasped round the barrel, near its muzzle, his fingers interlocking, while the thumbs lay flat—one upon each side of his nose.

At first glance, it was difficult to tell whether he was gazing into the barrel of the piece, or beyond it upon the Indian camp.

The attitude was not new to him nor to me; it was not the first time I had observed him in a posture precisely similar. I knew it was his favourite *pose*, when any question of unusual difficulty required all the energy of his 'instincts.' He was now, as often of yore, consulting his 'divinity,' presumed to dwell far down within the dark tube of 'Targuts.'

After a time, all the others ceased to speak, and stood watching him. They knew that no step would be taken before Rube's advice had been received; and they waited with more or less patience for him to speak.

Full ten minutes passed, and still the old trapper neither stirred nor spoke. Nor lip nor muscle of him was seen to move; the eyes alone could be detected in motion, and these small orbs scintillating in their deep sockets, were the only signs of life which he shewed. Standing rigid and still, he appeared, not a statue, but a scarecrow, propped up by a stick; and the long, brown, weather-washed rifle did not belie the resemblance. Full ten minutes passed, and still he spoke not; his 'oracle' had not yet yielded its response.

I have said that at the first glance it was difficult to tell whether the old man was gazing into the barrel of his gun or beyond it. After watching him closely, I saw that he was doing both. Now his eyes were a little raised, as if he looked upon the plain—anon they were lowered, and evidently peering into the tube. He was drawing the data of his problem from facts—he was trusting to his divinity for the solution.

For a long time he kept up this singular process of conjuration—alternating his glances in equal distribution between the hollow cylinder and the small circle of vision that covered the Indian camp.

The others began to grow impatient; all were interested in the result, and not without reason. Standing upon the limits of a life-danger, it is not strange they should feel anxiety about the issue.

Thus far, however, none had offered to interrupt or question the queer old man. None did. One or two of the party had already had a taste of his quality

when fretted or interfered with, and no one desired to draw upon himself the sharp 'talk' of the earless trapper.

Garey at length approached, but not until Rube, with a triumphant toss of his head and a scarcely audible 'whEEP' from his thin lips, shewed signs that the consultation had ended, and that the 'joss' who dwelt at the bottom of his rifle-barrel had vouchsafed an answer!

I had watched him with the rest. I liked that expressive hitch of the head; I liked the low, but momentous sibilation that terminated the *stance* between him and his familiar spirit. They were signs that the knot was unravelled—that the old trapper had devised some feasible plan by which the Indian camp might be entered.

Garey and I drew near, but not to question him; we understood him too well for that. We knew that he must be left free to develop his purpose in his own time; and we left him free—simply placing ourselves by his side.

'Wal, Billee!' he said, after drawing a long breath, 'an yurself, young fellur! whet do 'ee both think o' this hyur bizness: looks ugly, don't it—eh, boyees?'

'Tarnal ugly,' was Garey's laconic answer.

'Thort so meself at fust.'

'Thar ain't no plan o' gettin into thar camp,' said the young trapper, in a desponding tone.

'The doose thur ain't! What greenhorn put thet idee inter yur brain-pan, Bill?'

'Wal, thar are a plan; but 'tain't much o' a one: we've been talkin it over hyar.'

'Le's hear it,' rejoined Rube, with an exulting chuckle—'le's hev it, boyee! an quick, Bill, fur time's dodrotted precious 'bout now. Wal?'

'It's jest this, Rube, neyther less nor more: the capt'n proposes to take the Injun's hoss, and ride straight into thar camp.'

'Straight custrin in do'ee?'

'Ov coorse; it 'ud be no use goin about the bush: they kin see him acomin from any side.'

'I'll be durned ef they kin—thet I'll be durned. Wagh! they cudn't 'a see me—thet they cudn't, ef ivery niggur o' 'em hed the eyes o' an Argoose—thet they cudn't, Billee.'

'How?' I inquired. 'Do you mean to say that it is possible for any one to approach yonder camp without being observed? Is that what you mean, Rube?'

'Thet ur preezactly whet I mean, young fellur. No—not adzactly thet eyther. One o' you I didn't say: whet I sayed wur, that this hyur trapper, Rube Rawlins o' the Rocky Mountains, kud slide inter yander campmint jest like greased lightnin through a gooseberry-bush, 'ithout e'er an Injun seein 'im; an thet, too, ef the red-skinned vamints hed more eyes in thur heads than they hev lice; which, accordin to this child's reck'nin, 'ud guv ivery squaw's son o' the gang as many peepers as thur ur spots in a peacock's tail, an a wheen over to breed, I kalkerlate. No plan to git inter thur camp 'ithout bein seed! Wagh! yur gettin green, Bill Garey!'

'How can it be accomplished, Rube? Pray, explain! You know how impatient!—'

'Don't git unpayshint, young fellur! thet ur's no use whetsomdiver. Yu'll need payshinse, an a good grist o' thet ur, afore ye kin warm yur shins at yander fires; but 'ee kin do it, an in the nick o' time too, ef yu'll go preezactly accordin to whet ole Rube tells ye, an keep yur eye well skinned an yur teeth from chaterin: I knows yu'll do all thet. I knows yur weasel to the back o' yur neck, an kin whip yur weight in wild cat any day i' the year. Now? D' yur agree to follur my direcksuns?'

'I promise faithfully to act according to your advice.'

'Thet ur sensible sayed—durnation'd sensible. Wal, then, I'll gi' ye my device.'

As Rube said this, he moved forward to the edge of the timber, making a sign for Garey and myself to follow.

On reaching its outer edge, but still within cover, he dropped down upon his knees, behind some evergreen bushes.

I imitated his example, and knelt upon his right, while Garey crouched down on the left.

Our eyes were directed upon the Indian camp, of which, and the plain around it, we had a good view—as good as could be obtained under the light of a too brilliant moon.

After we had surveyed the scene for some moments in silence, the old trapper condescended to begin the conversation.

CHAPTER LXXXIX.

THE TRAPPER'S COUNSEL.

'Now, Bill Garey, an you, young fellur, jest clap yur eyes on thet 'ere campmint, an see ef thur ain't a road leadin inter the very heart o' it, strait as the tail o' a skeart fox. 'Ee see it? eh?'

'Not under kiver?' replied Garey interrogatively.

'Unner kiver—ivery step o' the way—the best o' kiver.'

Garey and I once more scrutinised the whole circumference of the encampment, and the ground adjacent. We could perceive no cover by which the camp could be approached. Surely there was none.

What could Rube mean? Were there clouds in the sky? Had he perceived some portent of coming darkness? Had his words reference to this?

I raised my eyes, and swept the whole canopy with inquiring glances. Up to the zenith, around the horizon—east, west, north, and south—I looked for clouds, but looked in vain. A few light cirri floated high in the atmosphere; but these, even when crossing the moon's disk, cast no perceptible shadow. On the contrary, they were tokens of settled weather; and moving slowly, almost fixed upon the face of the heavens, were evidence that no sudden change might be expected. When the trapper talked of entering the camp under cover, he could not have meant under cover of darkness. What then?

'Don't see ony kiver, old hoss,' rejoined Garey, after a pause; 'neyther bush nor weed.'

'Bush!' echoed Rube—'weed! who's talkin 'bout weeds an bushes? Thur's other ways o' hidin yur karkidge 'sides stickin it in a bush or unner a weed. Yur a gettin durnation'd pumpkin-headed, Bill Garey. I gin to think yur in the same purdicamint as the young fellur hisself. Yu've been a humbuggin wi' one o' them ur Mexikin moochachers.'

'No, Rube, no.'

'Durn me, ef I don't b'lieve you her, boy. I heern ye tell one o' 'em'—

'What?'

'Wagh! ye know well enuf. Didn't 'ee tell one o' 'em gurls at the rancherie thet ye loved her as hard as a mule kud kick—sartintly ye did; them wur yur preezact words, Billee.'

'I was only jokin, hoss.'

'Putty jokin thet ur 'll be when I gits back to Bent's Fort, an tell yur Coco squaw. He, he, he—ho, ho, ho! Geehosopah! thet *will* be a rumpus.'

'Nonsense, Rube; thar's nothin ov it.'

'Thur must 'a be: yur brain-pan's out o' order, Bill; ye hain't hed a clur idee for days back. Bushes! an weeds too! Wagh! who sayed thur wur bushes? Whur's yur eyes? d' yur see a bank?'

'A bank!' echoed Garey and I simultaneously.

'Ye-es,' drawled Rube—'a bank. I guess thur's a bank, right afore yur noses, ef both o' yur ain't as blind as the kittlins o' a 'possum. Now, do 'ee see it?'

Neither of us made reply to the final interrogatory.

For the first time, we began to comprehend Rube's meaning; and our eyes as well as thoughts were suddenly directed upon the object indicated by his words—the bank of the stream—for to that he referred.

I have stated that the little river ran close to the Indian lines, and on one side formed the boundary of the camp. We could tell that the current was towards us; for the stream, on reaching the hill upon which we were, turned sharply off, and swept round its base. The Indian camp was on the left bank, though upon its right when viewed up-stream, as we were regarding it. Any one proceeding up the left bank must therefore necessarily pass within the lines, and through among the horses that were staked nearest to the water.

It need not be supposed that under our keen scrutiny the stream had hitherto escaped observation; I myself had long ago thought of it as a means of covering my approach. Time after time had my eyes dwelt upon it, but without result. In its channel I could perceive no shelter from observation. Its banks were low, and without either rush or bush upon them. The green turf of the prairie stretched up to the very brink, and scarcely twelve inches below its level was the surface of the current. This was especially the case along the front of the encampment, and for some distance above and below.

Any one endeavouring to enter the camp by stealing up the channel, must have gone completely under the water, for even a swimmer could have been observed upon its surface; or even if a man could have approached in this way, there was no hope that a horse could be taken near; and without the horse, what prospect of ultimate escape?

It had seemed to me impossible. More than once had I taken into consideration, and as often rejected the idea.

Not so Rube. It was the very scheme he had conceived, and he now proceeded to point out its practicability.

'Now, theen—ees see a bank, do 'ee?'

'Tain't much o' a bank,' replied Garey, rather discouragingly.

'No; 'tain't as high as Massoora bluffs, nor the kenynons o' Snake River—thet nob'dy durnies; but ef 'tain't as high as it mout be, it ur ivery minnit a gittin higherer, I reck'n.'

'Getting higher, you say?'

'Ye-es; or whet ur putty consid'able the same thing, the t'other ur a gittin lower.'

'The water, you mean?'

'The water ur a fallin—gwine down by inches at a jump; an in a hour from this, thur'll be bluffs afront o' the camp helf a yurd high—thet's whet thur'll be.'

'And you think I could get into the camp by creeping under them?'

'Sure o't. Whet's to hinner ye? it ur easy as fallin off a log.'

'But the horse—how could I bring him near?'

'Jest the same way as yurself. I tell yur the bed o' thet river ur deep enuf to hide the biggest hoss in creashun. 'Tur now full, for the reezun thur's been a fresh in consykwince o' last night's rain: 'ee needn't mind thet—the hoss kin wade or swim eyther, an the bank 'll kiver 'im from the eyes o' the Injuns. You kin leave 'im in the river.'

'In the water?'

'In coorse—yur hoss'll stan thur; an ef he don't, you kin tie his nose to the bank. You kin take 'im as near as you please; but don't go too far to wind'ard, else them mustangs 'll smell 'im, an then it ur all up both wi' yurself an yur hoss. About two hundred yurds ull be yur likeliest distance. Ef you git the gurl clur, ye kin easy run thet, I reck'n; put straight for the hoss; an whun yur mounted, gallip like

durnation up hyur for the timmer, whur we'll be cached; an then, durn 'em! ef the red-skins don't git goos out o' our rifles. Wagh! thet's the way to do the thing—it ur.'

Certainly, the plan appeared practicable enough. The sinking of the water was a new element; it had escaped my observation, though Rube had noted it. It was this that had delayed him so long in giving his opinion; he had been watching it while leaning upon his rifle, though none of the rest of us had thought of such a thing. He remembered the heavy rain of the night before; he saw that it had caused a freshet in the little river, that its subsidence had begun; and, as in most prairie-streams, it was progressing with rapidity. His keen eye had detected a fall of several inches during the half hour we had been upon the ground. I could myself observe, now that it was pointed out to me, that the banks were *higher* than before.

Certainly, the plan of approaching by the stream had assumed a more feasible aspect. If the channel should prove deep enough, I might get the horse sufficiently near: the rest would have to be left to stratagem and chance.

'Yur ridin in the Injun hoss,' said Rube, 'ud niver do: it mout, on the wust pinch; an ef ee don't git in the t'other way, yur kin still try it; but ye kud niver git acroast through the cavayard: 'em mustangs 'ud be sure to make sich a snortin an stompin, an whigherin, as 'ud bring the hul campaint about ye; an some o' the sharp-eyed niggurs 'ud be sartint to find out yur hide wur white. T'other way ur fur the safest—it ur.'

I was not long in making up my mind. Rube's counsel at once decided me, and I resolved to act accordingly.

CHAPTER XC.

TAKING TO THE WATER.

I spent but little time in preparations; these had been made already. It remained only to tighten my saddle-girt, look to the caps of my revolvers, and place both pistols and knife in the belt behind my back; there the weapons would be concealed by the pendent robe of jaguar-skins. In a few minutes I was ready.

I still loitered a while, to wait for the falling of the water; not long—I was too anxious to tarry long. The hour of the council might be nigh—I might be too late for the crisis. Not long did I loiter.

It was not necessary. Even by the moonlight, we could distinguish the dark line of the bank separating the grassy turf from the surface of the water. The rippling current was shining like silver-lace, and, by contrast, the dark earthy strip that rose vertically above it, could be observed more distinctly. It was sensibly broader.

I could wait no longer. I leaped into the saddle. My comrades crowded around me to say a parting word; with a wish or a prayer upon their lips, one after another pressed my hand. Some doubted of their ever seeing me again—I could tell this from the tone of their leave-taking; others were more confident. All vowed to revenge me if I fell.

Rube and Garey went with me down the hill. At the point where the stream impinged upon it, there were bushes; these continued up the declivity, and joined the timber upon the summit. Under their cover we had descended, reaching the bank just at the salient angle of the bend. A thin skirting of similar bushes ran around the base of the hill, and following the path by which we had come, the ambuscade might have been moved a little nearer to the camp. But the cover was not so good as the grove upon the summit, and in case of a retreat, it would be necessary to

gallop up the naked face of the slope, and thus expose our numbers. It was decided, therefore, to leave the men where they were.

From the bend to the Indian camp, the river trended almost in a straight line, and its long reach lay before my eyes like a band of shining metal. Along its banks, the bush extended no further. A single step towards the camp would have exposed me to the view of its occupants.

At this point, therefore, it was necessary for me to take to the water; and dismounting, I made ready for the immersion.

The trappers had spoken their last words of instruction and counsel; they had both grasped my hand, giving it a significant squeeze that promised more than words; but to these, too, had they given utterance.

'Don't be afeerd, capt'n!' said the younger. 'Rube and I won't be far off. If we hear your pistols, we'll make a rush to'rst you, and meet you half-way anyhow; and if onything should happen amiss—here Garey spoke with emphasis—'you may depend on't we'll take a bloody revenge.'

'Yees!' echoed Rube, 'we'll do jest thet. Thur'll be many a nick in Targuts afore next Krissmuss ef you ur rubbed out, young fellur; thet I swar to ye. But don't be skeert! Keep yur eye sharp-skinned, an yur claws steady, an thur's no fear but yu'll git clur. Oncest yur clur o' the camp, 'ee may reck'n on us. Put straight for the timmer, an gallop as ef Ole Scratch wur agruppin at the tail o' yur critter.'

I waited to hear no more, but leading Moro down the bank, at a place where it sloped, I stepped gently into the current. My well-trained steed followed without hesitation, and in another instant we were both breast-deep in the flood. The water was just the depth I desired. There was a half yard of bank that rose vertically above the surface; and this was sufficient to shelter either my own head, as I stood erect, or the frontlet of my horse. Should the channel continue of uniform depth as far as the camp, the approach would be easy indeed; and, for certain hydrographic reasons, I was under the belief it would.

The plumes of the Indian bonnet rose above the level of the meadow-turf, and as the feathers—dyed of gay colours—would have formed a conspicuous object, I took off the gaudy head-dress, and carried it in my hand.

I also raised the robe of jaguar-skin over my shoulders, in order to keep it dry; and for the same reason, temporarily carried my pistols above the water-line.

The making of these slight alterations occupied only a minute or so; and as soon as they were completed, I moved forward through the water.

The very depth of the stream proved a circumstance in my favour. In wading, both horse and man make less noise in deep than in shallow water; and this was an important consideration. The night was still—too still for my wishes—and the plunging sound would have been heard afar off; but fortunately there were rapids below—just where the stream forced its way through the spur of the hill—and the hissing sough of these, louder in the still night, was borne upon the air to the distance of many miles. Their noise, to my own ears, almost drowned the plashing made by Moro and myself. I had noted this *point d'avantage* before embarking upon the enterprise.

At the distance of two hundred yards from the bushes, I paused to look back. My purpose was to fix in my memory the direction of the hill, and more especially the point where my comrades had been left in ambush: in the event of a close pursuit, it would not do to mistake their exact situation.

I easily made out the place, and saw that, for several reasons, a better could not have been chosen. The

trees that timbered the crest of the hill were of a peculiar kind—none more so upon the earth. They were a species of arborescent yucca, then unknown to botanists. Many of them were forty feet in height; and their thick angular branches, and terminal fascicles of rigid leaves, outlined against the sky, formed a singular, almost an unearthly spectacle. It was unlike any other vegetation upon earth, more resembling a grove of cast iron than a wood of exogenous trees.

Why I regarded the spot as favourable for an ambush, was chiefly this: a party approaching it from the plain, and climbing the hill, might fancy a host of enemies in their front; for the trees themselves, with their heads of radiating blades, bore a striking resemblance to an array of plumed gigantic warriors. Many of the yuccas were only six feet in height, with tufted heads, and branchless trunks as gross as the body of a man, and they might readily have been mistaken for human beings.

I saw at a glance the advantage of the position. Should the Indians pursue me, and I should succeed in reaching the timber before them, a volley from my comrades would check the pursuers, however numerous. The nine rifles would be enough, with a few shots from the revolvers. The savages would fancy nine hundred under the mystifying shadows of that spectral-like grove.

With confidence, strengthened by these considerations, I once more turned my face up-stream; and 'breasting the current, kept on.

CHAPTER XCL

UP-STREAM.

My advance was far from being rapid. The water was occasionally deeper or shallower, but generally rising above my hips—deep enough to render wading a task of time and difficulty. The current was of course against me; and though not very swift, seriously impeded my progress. I could have advanced more rapidly, but for the necessity of keeping my head and that of my horse below the escarpment of the bank. At times it was a close fit, with scarcely an inch to spare; and in several places I was compelled to move with my neck bent, and my horse's nose held down to the surface of the water.

At intervals, I paused to rest myself—for the exertion of wading against the current wearied me, and took away my breath. This was particularly the case when I was required to crouch; but I chose my resting-places where the channel was deepest, and where I could stand erect.

I was all the while anxious to look up and take a survey of the camp: I wished to ascertain its distance and position; but I dared not raise my head above the level of the bank. The sword that crowned it was smooth as a mown meadow, and the edge-line of the turf even and unbroken. Had I shewn but my hand above it, it might have been seen in that clear white light. I dared not shew either hand or head.

I had advanced I knew not how far, but I fancied I must be near the lines. All the way, I had kept close under the left bank, which, as Rube had predicted, now rose a full half yard above the water-line. This was a favourable circumstance, and another equally so was the fact that the moon on that—the eastern side—was yet low in the sky, and consequently the bank flung a broad black shadow that extended nearly half-way across the stream. In this shadow I walked, and its friendly darkness sheltered both myself and my horse.

I fancied I must be near the lines, and longed to reconnoitre them, but, for the reasons already given, dared not.

I was equally afraid to make any further advance—for that might be still more perilous. I had already

noted the direction of the wind: it blew from the river, and towards the camp; and should I bring my horse opposite the line of the mustangs, I would then be directly to windward of them, and in danger from their keen nostrils. They would be almost certain to take up the scent of my steed, and utter their warning snorts. The breeze was light, but so much the worse. There was sufficient to carry the smell, and not enough to drown the plunging noise necessarily made by my horse moving through the water, with the hollow pounding of his hoofs upon the rocks at the bottom.

If I raised my head over the bank, there was the danger of being observed; if I advanced, the prospect was one of still greater peril.

For some moments I stood hesitating—uncertain as to whether I should leave my horse, or lead him a little further. I heard noises from the camp, but they were not distinct enough to guide me.

I looked back down the river, with the hope of being able to calculate the distance I had come, and by that means decide where I was; but my observation furnished no data by which I could determine my position. With my eyes almost on a level with the surface of the water, I could not judge satisfactorily of distance.

I turned my face up-stream again, and scrutinised the parapet line of the bank. Just then I saw an object over its edge that answered well to guide me; it was the croup and hip-bones of a horse—one of the mustangs staked near the bank. I saw neither the head nor shoulders of the animal; its hind quarters were towards the stream; its head was to the grass—it was browsing.

The sight gratified me. The mustang was full two hundred yards above the point I had reached. I knew that its position marked the outer line of the encampment. I was just in the place where I wanted to be—about two hundred yards from the lines. Just at that distance I desired to leave my horse. I had taken the precaution to bring with me my picket-pin—one of the essentials of the prairie traveller. It was the work of a moment to delve it into the bank. I needed not to drive it with violence: my well-trained steed never broke fastening, however slight. With him the stake was only required as a sign that he was not free to wander.

In a moment, then, he was staked; and with a 'whisper' I parted from him, and kept on up-stream.

I had not gone a dozen yards further, when I perceived a break in the line of the bank. It was a little gully that led slantingly from the level of the prairie down to the bed of the stream. Its counterpart I perceived on the opposite side. The two indicated a ford or crossing used by buffaloes, wild-horses, and other denizens of the prairie.

At first, I viewed it with apprehension; I feared it might uncover my body to the eyes of the enemy; but on coming opposite, my fears were allayed: the slope was abrupt, and the high ground screened me as before. There would be no danger in passing the place.

As I was about moving on, an idea arrested me; and I paused to regard the gully with a look of greater interest. It offered me an advantage.

I had been troubled about the position in which I had left my horse. Should I succeed in getting back, of course it would be under the pressure of a hot pursuit, and my steed was not conveniently placed; his back was below the level of the bank. He might easily be mounted, but how should I get out of the bed of the stream. Only by a desperate leap might he reach the plain above; and he might fail in the effort—time might be lost, when time and speed would be most wanted.

I had been troubled with this thought; it need trouble me no longer. The 'crossing' afforded easy

access either to or from the channel of the river—the very thing I wanted.

I was not slow to profit by the discovery. I turned back, and having released the rein, led my horse gently up to the break.

Choosing a spot under the highest part of the bank, I fastened him as before, and there left him.

I now moved with more ease and confidence, but with increased caution. I was getting too near to risk making the slightest noise in the water; a single splash might betray me.

It was my intention to keep in the channel, until I had passed the point where the horses were staked; by so doing, I should avoid crossing the line of the horse-guards, and, what was quite as important, that of the horses themselves, for I was equally apprehensive of being discovered by the latter. Once inside their circle, they would take no notice of me, for doubtless there would be other Indians within sight; and I trusted to my well-counterfeited semblance of savagery to deceive the eyes of the equine sentinels.

I did not wish to go far beyond their line; that would bring me in front of the camp itself—too near its fires and its idle groups.

I had noticed before starting that there was a broad belt between the place occupied by the men, and that where their horses were staked. This 'neutral' ground was little used by the camp loungers, and somewhere on the edge of it I was desirous of making my *entrée*.

I succeeded to my utmost wishes. Closely hugging the bank, I passed the browsing mustangs; under their very noses I glided past, for I could hear them munching the herbage right over me; but so silently did I steal along, that neither snort nor hoof-stroke heralded my advance.

In a few minutes, I was sufficiently beyond them to make halt.

I raised my head; slowly and gently I raised it, till my eyes were above the level of the prairie slope. No one was near. I could see the swarth savages grouped around their fires; but they were a hundred yards off, or more. They were capering, and talking, and laughing; but no ear was bent, and no eye seemed turned towards me. No one was near.

I grasped the bank with my hands, and drew myself up. Slowly and silently I ascended, like some demon from the dark trap-door of a stage. On my knees, I reached the level of the turf; and, then gently rising to my feet, I stood erect within the limits of the Indian camp—to all appearance as complete a savage as any upon the ground!

THE GLORIOUS UNCERTAINTY OF THE LAW.

It has now for some years been a very well-accredited fact, that there are many big as well as little matters in our otherwise excellent system of jurisprudence which require improvement; and although lawyers, as a class, are perhaps not generally favourable to alteration, some defects in legal proceedings are so glaring, and their evil influence on the community at large so considerable, that those in as well as those out of the profession of the law alike agree in the desirableness of a change.

Attention has of late been very much directed towards the subject of appeals; and although no alteration of any great importance has yet been made in the mode of conducting them in the superior courts, the evils to be remedied are so formidable, that we doubt whether any subject can better illustrate to the general reader the delay and expense which may be attendant upon the administration of the law, than the subject of 'appeals.' That the opinion of a single judge, however eminent and learned he may

be, should be final and conclusive, is what no sensible person will for a moment urge: all men are liable to error; and whatever be the wisdom of the expounder of the law, he may easily see things in a wrong light, and be led to draw conclusions, his judgment upon which, if final, would not only bring odium upon the law which he professes to understand, but entail injustice and oppression upon those who had the misfortune to be the unsuccessful parties.

In our own, and in almost every other civilised country, we find that this opinion has prevailed, and that a right of appealing from the decision of one court to that of another, exceeding the former in the number or presumed greater wisdom of its presiding officers, has been recognised. But in England this system of appeal has become so complicated, as to be unintelligible to the non-legal inquirer, who often wanders through the newspaper summary of some long legal proceeding in which he feels an interest, and after learning that 'the judge on the original trial directed a verdict for the plaintiff'—that the 'court above' granted a 'rule nisi' for a new trial, such rule being subsequently 'discharged,' but a '*venire de novo*' awarded on a 'writ of error,' which was contested in the House of Lords, and 'the decision of the Court in Banc affirmed the proceedings in error being quashed,' casts away the puzzling report in disgust, still without an answer to the only question he cares to ask respecting the matter—'Which side won?'

It may not, therefore, be altogether uninteresting to attempt a short sketch of the complex apparatus at present used in our courts for conducting legal inquiries.

Taking the *common law* first, we find in Westminster Hall three courts—the Queen's Bench, Common Pleas, and Exchequer. Each of these courts has five judges—fifteen in all—who, during the year, try, on the average, in town and country, about 2500 civil causes, every one of such causes being tried by a judge of either of these three courts sitting alone, with the assistance of a jury.

When a verdict is given, whether for plaintiff or defendant, the unsuccessful party may, if he pleases, apply to the judges of the court in which the action commences—who sit four of them together, in *Banc*, as it is termed, every day during term to receive such applications—asking them to set the verdict aside. He may assert various grounds for the request: That the judge misdirected the jury; that the jury gave a perverse verdict, or one not warranted by the evidence; that new matters have come to light since the trial, which materially alter the appearance of the case; &c. If the judges think that there is something in the application, and choose to hear what can be said on the other side, they grant what is called a *rule nisi*, or, in plain English, consent to the application *unless* the other side appears before them, and proves its impropriety. When the other side has been heard, the judges, having the whole matter before them, give their solemn opinion as to whether the proceedings in the cause are valid and proper, or the reverse.

Having done so, it might be imagined that the affair was at an end, for it seems altogether unlikely that the solemn decisions of *four* learned judges should be incorrect; but in reality, an appeal lies in almost every instance from the judgment of the four judges in *Banc*, to what is termed the 'Court of Error.' The composition of this court is somewhat ingenious. We have already said that there are three superior courts of common law, in either of which an ordinary action may be brought. The Court of Error is composed of the judges of the two courts in which the action is *not* brought; so that in this way, the judges of the Court of Common Pleas and Exchequer, sitting together, hear errors from the Queen's Bench; the

Courts of Queen's Bench and Exchequer hear those from the Common Pleas; and the Common Pleas and Queen's Bench dispose of those from the Exchequer; and as all the judges of either court sit in a Court of Error, ten judges confirm or overrule the judgment of four.

Of course, it requires rather a well-filled pocket to set the Error Court in motion, and the majority of suitors are obliged to be contented with the judgment obtained in Banc. Out of about 600 cases heard annually before the judges in Banc, not more than from twenty-five to thirty find their way into the Court of Error.

But even the Court of Error, with its imposing array of ten sages of the law, is not the *last* resource. The law, wisely considering that the judges of the land are, after all, but *commoners*, and their learning and judgment only those of commoners, has given a right of appeal from their decision as pronounced in a Court of Error, to the House of Lords, presuming—to quote an ancient authority—that 'those whom the king bath by prerogative and in the discretion of his princely wisdom ennobled, be ennobled in mind and understanding as well as in earthly estate, and be better able to determine dark and weighty matters than are commoners.' The House of Lords, then, is the ultimate tribunal; and it is there, and there alone, that the suitor, blest with sufficient money and patience to save him from his breaking down on the road, may be presumed to get pure, unimpeachable law—the 'perfection of reason,' as Blackstone designates it. Happy suitor! we sincerely hope that when he obtains he may enjoy it.

Whether the members of the House of Lords ever sat in any great number and heard appeals from courts of law, without calling in the assistance and receiving the advice of the judges of such courts, we do not know, and the matter is somewhat doubtful; but of late years, it seems to have been discovered, that 'the ennobling of the mind and understanding,' contingent upon an elevation to the peerage, does not at all events give an intuitive perception into profound and difficult legal questions, and that the only 'coronet wearers' who are competent to determine such, are, 1st, The lord chancellor, who is 'ex-officio' Speaker of the House; and 2d, Certain members of the legal profession who, having once held high judicial offices in courts of law or equity, have retired from their judicial posts, and are now members of the 'Upper House.'

The number of 'law-lords,' as they are technically called, is thus necessarily very limited; and as, from age and infirmity, some cannot attend upon any, and none upon *all* the appeal cases, the actual number of peers before whom any case is heard is small indeed, being, beside the chancellor, not more than three, and oftener two. On this and other accounts, the appellate jurisdiction of the House of Lords is considered by all parties very much in need of improvement, and not more than ten or twelve appeals from the Court of Error—seldom, indeed, so many—annually find their way into it.

If, indeed, the House, as a court of appeal from the common law-courts, was attended *only* by the few individuals we have mentioned, it is probable there would be a good deal more grumbling as to the inefficiency of the court than there is; but from time immemorial, it has been customary to summon all the fifteen judges of England to hear such appeals. These learned individuals, however, judges though they be in other places, are no judges here. In the writs summoning them to every new parliament, they are only called upon to 'treat and advise,' whilst the peers themselves are to 'hear and determine' matters coming before them. The judges are, therefore, quite second-rate individuals in the House of Lords; they cannot, by the rules of the House, ask a question of the counsel

conducting the case; cannot make a single observation, or correct any error during the progress of the argument; and when the long-winded speeches are all over, they must patiently wait the pleasure of the House before they offer their *opinions*, by which the judgment of the lords is not in the slightest degree bound, for two or three of those great individuals may, and more than once have, set at naught the solemn opinions of nearly all the judges, although those opinions have been supported by the grave authority of the lord chancellor himself!

Such, then, are the several tribunals before which an action at common law may be successively brought. 'Well,' exclaims the reader, 'after all, it is an excellent arrangement for securing justice at last.' True, good friend, but what a long way off the at last is; and what a deal of money it takes to reach it! A millionaire, indeed, may be badly treated at Nisi Prius; may be set on his legs by the Court in Banc; be knocked over by his opponent in Error; and, finally, at a cost altogether of several thousands, have *his rights* awarded him in the House of Lords. But the poor widow, whose bit of freehold has been encroached upon by a rich neighbour, after seeing the verdict she has obtained by the outlay of her last penny set aside by the judges in Banc, must be content to lose both money and land, simply because she has no funds to put the expensive machinery of the Court of Error in motion.

Let us follow a man with a little money into the courts. Here is our friend, Mr John Smith of Norfolk, a decent respectable yeoman, with a farm of some 200 acres, and a snug little matter of £1,000 in the funds. He is not married, but is courting the pretty rosy-cheeked Elizabeth Baker, the belle of the village, and leads altogether a most jolly sunshiny life. But alas! John Smith goes to law! Old Wickens, his neighbour, a grasping curmudgeon, who farms the adjoining land, has for years past asserted his right to about half an acre of marshy soil, on the extreme border of John's farm, called Squash Corner, of no use to anybody, and as to the ownership of which there have been disputes before Old Wickens himself was born. John, of course, won't give up, and so to law they go—a thin, parchment-faced, one-eyed old shark of an attorney 'looking up' Wickens's case; and a bland, unctuous, take care of Number One, professional man, Mr Codecil, managing John's little affair. The dry legal matters preliminary to the trial would be perfectly uninteresting to the reader, and we therefore omit them. The cause comes on for trial at the next Norwich Assizes. Before it is half over, a very knotty point arises, to the extreme delight of counsel and attorneys on either side. The judge reflects; looks into some half-dozen books; confers with his brother-judge, who is trying criminals in the adjoining court; and eventually says (oh! ominous words), 'that he shall reserve the point.' The trial proceeds, and John gains the day. Wickens's parchment-faced friend is in ecstasies: the point reserved is in his favour, and the idea of moving in the court above, quite obliterates any unpleasantness arising from an adverse verdict. 'Ah!' says Codecil, as he pockets a little matter of £200 received from John, 'those fellows will give us some more trouble yet, depend upon it.'

Next term, Wickens's counsel moves in the court above for a rule *nisi* to reverse the verdict, or for a new trial, and, with some difficulty perhaps, obtains it. John, of course, must defend the verdict he has gained at such a heavy cost, and by the advice of Codecil, instructs counsel to argue to 'discharge' the rule. Half a year after, the court is prepared to hear the case. John buys a new suit of clothes, and comes up specially to Westminster Hall, but is astonished at the curious way in which the matter is gone through. The good old days when one counsel made

a long clear speech, and set out all the facts; when another 'followed on the same side;' when each of their numerous 'points'—for counsel were then, as now, in that respect a sort of legal porcupine—was severally answered; and the judges, calm and dignified during the argument, afterwards gave their judgment—have long passed away, and now a sort of verbal short-hand is the order of the day.

First, the judge who tried the cause, and who is a member of the same court in which the action is brought, reads his notes of the original trial; then John's leading counsel, Mr Nollepros, holds a sort of rapid and entangled conversation with the four judges at once, and sits down after a very few minutes, quite aware that 'the court is with him.' Wickens's counsel, Mr Yearbook, then takes up the matter, and something like the following conversation is kept up between the learned judges—whom we respectively designate Justices A, B, C, and D—and the counsel:

Yearbook. My lords, I appear to support the rule in this case: it is, as your lordships have heard, one of trespass, tried last Norwich Assizes, before Mr Justice D.

Justice B. Have you another copy of the pleadings to hand up?

(Handed up.)

Year. My lords, in this case—

Justice C. Is there no plan of the farm?

Year. Here is one, my lords.

(All the four judges look at it and talk about it at once, and eventually Justice B gets it to himself.)

Justice A. Go on, Mr Yearbook.

Year. My lords, I was saying—

Just. B. It's a strange thing; I've sat on the bench a great number of years, and I never knew a plan to be made the right size!

Year. No, my lord. My lords, in this case—

Just. B. Which is the north of the plan?

Year. At bottom, my lord. My lords—

Just. B. I thought so; it's always the way. Why can't the architect who constructs the plan put the north to the north, and the south to the south?

Year. Yes, my lord. My lords—

Just. B. I wouldn't allow them their expenses, if they can't do work in a proper manner.

Year. No, my lord. My lords, I was saying—

Just. D. The second plea to this declaration, Mr Yearbook, won't hold water.

Just. B. O no; you certainly can't rely on the second plea.

Year. My lords, if your lordships will permit me—

Just. D. I own I can't see the relevancy of the first plea.

Just. B. The pleadings are very inartificial.

Year. I am coming to the second plea, my lord.

Just. A. It may reasonably be presumed from the ordinary nature of pleading, and from the various circumstances.

Just. C. There is no joinder in demurrer, or else a question might arise on the third plea.

Just. B. Clearly not.

Just. C. O yes.

Just. D. Well, I don't think, Mr Yearbook, that you will succeed—that's my impression.

Year. If your lordships think—

Just. B. No, not exactly so; but you see the second plea—

Year. My lord, that's what I am coming to—

Just. C. What we really want to know is—

Just. B. Usher! first Meesom and Welsley, twelfth Barnwall and Alderson, Comyn's digest; title, 'Estoppel.'

Year. Perhaps your lordships are not aware that it has been decided in—

Just. B. O yes, in Sharpe's case; but that is very shaky law; in my own time, in Edger and

Dodger, which you will find in third Manning and Grainger—

Just. A. I was counsel in that case; it occupied five days and a half.

Just. D. I only reserved the point to hear if you could make anything of it, Mr Yearbook.

Just. C. O yes; and we only granted the rule nisi because you pressed it so much.

Just. B. Well, I don't know; I think the ruling was perfectly right.

Just. C. Rule discharged.

Just. D. I think so decidedly.

Just. B. Come, call on the next case.

Year. Then, my lords—

Just. B. O dear, no; it's idle, Mr Yearbook, to—

Just. C. O dear, yes. Rule discharged.

'Bravo!' says Mr Codecil, as he leaves the court; 'we've conquered them now, in good earnest.'

But Codecil, deep fellow! knows as well as possible the nature of his parchment-faced friend, and in this, as in other cases, acts upon the spirit of the ancient distich:

Here are two fat wethers fallen out with one another,
If you 'll fleece one, I'll fleece the other!

and therefore it is with no surprise, and with considerable delight, that some few days after he receives a little notice, which he at once communicates to his client, that a 'memorandum has been left with a master of the court, stating that there is *error in law*, in the record and proceedings in *Smith v. Wickens*!

'Very good, ver-y good!' says Mr Codecil; 'if he chooses to go into *Error*, of course we have nothing to do but to follow him.'

'Will these things *ever* end?' says poor John Smith, as he slowly draws another check for a considerable amount, and hands it to Codecil.

'My dear fellow,' says that excellent professional adviser, 'it will all turn out right in the end, trust me for it.'

John goes back to Norfolk, and in about a year's time his case comes on in *Error*. He does not make his appearance in court this time, for he very justly considers, that if he could not understand five words of the argument before four judges, he is not very likely to understand much of it when conducted before ten. Mr Yearbook, who opens the case in *Error*, has a great deal to say, a great many books to refer to, and is not nearly so much snubbed as in the court below. He and another counsel on the same side occupy an entire day in their arguments, and Mr Nollepros and his junior are even longer. Yearbook replies; the judges take time to consider the question; and a month afterwards they give judgment for the appellant *Wickens*!

What is John Smith to do? 'Go to the House of Lords, decidedly,' says Codecil; 'I know it must come right in the end.' He has a right to go there—to make Wickens go there. A painstaking judge, sitting at Nisi Prius, has said that he is right; twelve impartial jurymen have said that he is right; four judges sitting together have said that he is right; and now he is told, that he has been wrong all along! 'Go to the House of Lords, de-ci-ded-ly,' says Mr Codecil.

Alas! what is to take him there?—L.900 of his L.1000 have disappeared in law-expenses; the horrible amount of costs accruing on the proceedings in *Error*, and yet unpaid, will swallow up a good L.500 or L.600 more, to raise which, part of the farm must be sold; and John sees, that if he goes up to the House of Lords, and is unsuccessful there, he shall scarcely have a penny left him in the world. He therefore does, what Codecil declares is 'a thousand pities,' gives up to Wickens Squash Corner, sells enough of his farm to enable him to pay all his law-expenses, abandons for the present all hopes of marrying Elizabeth Baker, and

sets heartily to work on his remaining bit of property, a far poorer, but far wiser man.

Such is a short sketch of the present method of conducting common-law appeals. Were we not afraid of swelling our article beyond all reasonable bounds, we might show the operation of the equity and of the spiritual courts in these matters—how, in the equity courts, cases may be heard and re-heard, and little legal points arising during their progress, be sent out to be tried as issues in a court of common law, at an enormous expenditure of time and money, until all the property in dispute, and a good deal besides, has been frittered away in costs, and long years of anxiety and vexation have passed over the heads of the devoted suitors, who at length, as a last resource, appeal to the House of Lords, and find as their *sole* judge there the very officer from whose decision they are appealing!

Turning to Doctors' Commons, we might shew also, how, in the Prerogative Court, a decision may be obtained, which shall be soon after set aside by a judgment of the Court of Arches, which will shortly, in its turn, be overruled by a judgment of the judicial committee of Privy Council, and then—some little common-law points arising—the case itself—as occurred not many years ago—be carried, after the long journey it has already made, through every one of the three courts of common law!

Only one branch of our jurisprudence is not subject to this lengthy and costly system of appealing, and it is the criminal law.

The case of a prisoner who has been tried and acquitted, can of course never afterwards be inquired into; while that of a person convicted can only again become the subject of judicial investigation should some legal point arise which the judge voluntarily reserves for the opinion of the Court of Criminal Appeal. When this is the case, the point is argued at Westminster, as soon as possible after the original trial, before five judges sitting together. If they are uniform in opinion, one way or the other, the matter ends; if they differ, no matter what the majority, the case is re-argued before all the fifteen judges, also sitting together, and their decision, or that of the majority of them, is final and irrevocable. The judges, however, usually dislike to impose upon a prisoner the anxiety which reserving his case must necessarily occasion, and, unless they have grave doubts on the matter, lay down the law themselves upon the trial. Not more than 40 or 50, out of about 8000 or 10,000 prisoners tried annually in England and Wales, have their cases reserved.

Such, reader, is the way 'appeals' are conducted; and after a pretty fair experience of the 'glorious uncertainty of the law,' the best advice we can give you is—never go into court if you can possibly keep out of it!

CONCOMITANCE OF HIGH CIVILISATION AND BAD TEETH.

It is remarkable that this prevalence of disease of the teeth occurs to such an extent only on the race of mankind to which we belong. In the other branches of the human family, the disposition of the teeth to decay does not exist, or, where present, does not prevail to such an extent. It would appear, indeed, as if a faulty structure of the teeth were an attribute of superior civilisation, and that the more savage man becomes, the more perfect and impervious to decay are his teeth. In the negro and similar races, caries of the teeth seldom occurs. There is little doubt that many of the habits and customs which attend the advance of society in luxury and refinement are injurious to the teeth. Still, these can be looked upon only as very unimportant causes, and are quite insufficient to account for the evident predisposition of the teeth to decay, by which the civilised races are characterised. It would form much too abstruse a subject for these pages to inquire into the probable dependence which exists between

the greater cerebral development which is the undeniable result of civilisation, and the deficiency in the bony structure of the teeth—which dependence we have little doubt will yet be recognised as forming the principal cause of the defective teeth of the more civilised races of mankind.—*Nisbet's Digestion and the Teeth.*

'WILL SAIL TOMORROW.'

THE good ship lies in the crowded dock
Fair as a statue, firm as a rock,
Her tall masts piercing the still blue air,
Her upright funnel all white and bare—
Whence the long soft line of vapoury smoke
Twist sky and sea like a vision broke,
Or slowly o'er the horizon curled,
Like a lost hope gone to the other world:
She sails to-morrow—
Sails to-morrow.

Out steps the captain, busy and grave,
With his steady footfall—quick and brave,
His hundred thoughts and his thousand cares,
And his quiet eye that all things dares:
Though a little smile o'er the kind face dawns
On the loving brute that leaps and fawns,
And a little shadow comes and goes
As if heart or memory fled—where, who knows!
He sails to-morrow—
Sails to-morrow.

To-morrow the throng'd line of ships
Will quick close after her as she slips
Into the unknown Deep once more;
To-morrow, to-morrow, some on shore
With straining eyes shall desperate yearn—
'This is not parting? Return—return!'—
Peace, wild-wrung hands! Hush, quivering breath!
Love keepeth his own through life and death,
Though she sails to-morrow—
Sails to-morrow!

Sail, stately ship; down Southampton-Water
Gliding fair as old Nereus' daughter,
Christian ship that for freightage bears
Christians, followed by Christian prayers.
God! send angels after her track!
Pitiful God, bring the good ship back!—
All the souls in her for ever keep
Thine—living or dying, awake or asleep.
Then, sail to-morrow:
Ship, sail to-morrow!

May 6.

BAVARIAN PRISON-REFORM.

When M. Obermaier first arrived at Munich, he found from 600 to 700 prisoners in the jail, in the worst state of insubordination, and whose excesses, he was told, defied the harshest and most stringent discipline; the prisoners were all chained together, and attached to each chain was an iron weight, which the strongest found difficulty in dragging along; the guard consisted of about 100 soldiers, who did duty not only at the gates and around the walls, but also in the passages, and even in the workshops and dormitories; and, strangest of all protections against the possibility of an outbreak or individual evasion, twenty to thirty large savage dogs of the blood-hound breed were let loose at night in the passages and courts, to keep their watch and ward. M. Obermaier's system of kindness and labour has now so completely changed this pandemonium, that the prison-gates stand wide open, without a sentinel at the door, and a guard of only twenty men idling away their time in a guard-room off the entrance-hall.—*Murray's Not so Bad as they Seem.*

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